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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 MARSHALL-ALAN GIDNEY,

8 Plaintiff(s),

9 v.

10 CLARK COUNTY ELECTION
DEPARTMENT,

11 Defendant(s).

Case No. 2:24-cv-02036-JAD-NJK

REPORT AND RECOMMENDATION

12 Although Plaintiff paid the filing fee, *see* Docket No. 8, Plaintiff did not file a complaint
13 with his factual allegations, cause(s) of action, statement of jurisdiction, and relief sought, *but see*,
14 *e.g.*, Fed. R. Civ. P. 8(a).

15 On November 6, 2024, the Court ordered Plaintiff to file a complaint by November 20,
16 2024. Docket No. 9 at 1; *see also* Docket No. 5 at 2 (earlier order by United States District Judge
17 Jennifer A. Dorsey regarding the absence of a complaint). The Court warned that “[f]ailure to
18 file a complaint by this deadline may result in dismissal of this case.” Docket No. 9 at 1
19 (emphasis in original). To date, Plaintiff has not filed a complaint or otherwise responded to the
20 order. The case cannot proceed without the filing of a complaint.

21 Moreover, Plaintiff’s refusal to comply with the Court’s order is an abusive litigation
22 practice that has interfered with the Court’s ability to hear this case, delayed litigation, disrupted
23 the Court’s timely management of its docket, wasted judicial resources, and threatened the
24 integrity of the Court’s orders and the orderly administration of justice. Sanctions less drastic than
25 dismissal are unavailable because Plaintiff has refused to comply with the order of this Court
26 notwithstanding the warning that case-dispositive sanctions may be imposed.
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1 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
2 prejudice.

3 Dated: December 5, 2024

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5 
Nancy J. Koppe
United States Magistrate Judge

6 **NOTICE**

7 This report and recommendation is submitted to the United States District Judge assigned
8 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
9 recommendation must file a written objection supported by points and authorities within fourteen
10 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
11 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
12 F.2d 1153, 1157 (9th Cir. 1991).